

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
	:	
v.	:	DATE FILED: _____
	:	
RUSSELL SMITH	:	VIOLATIONS:
a/k/a "Pooh"	:	18 U.S.C. § 922(g)(1) (possession of a
	:	firearm by a convicted felon - 2 counts)
	:	Notice of additional factors
		Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about May 10, 2004, in Montgomery County, in the Eastern District of Pennsylvania, defendant

RUSSELL SMITH,
a/k/a "Pooh,"

having previously been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, that is, a Sig Sauer Arms, Model P230 SL, .380 caliber, serial number S060726, semi-automatic handgun loaded with eight (8) rounds of ammunition,

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 10, 2004, in Montgomery County, in the Eastern District of Pennsylvania, defendant

**RUSSELL SMITH,
a/k/a "Pooh,"**

having previously been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, that is, a Hi-Point, Model JH, .45 caliber, serial number 326234, pistol and a Bersa Thunder, .380 caliber, serial number 396332 pistol.

In violation of Title 18, United States Code, Section 922(g)(1).

NOTICE OF ADDITIONAL FACTORS

THE GRAND JURY FURTHER CHARGES THAT:

1. Defendant RUSSELL SMITH committed the offenses charged in Counts One and Two of this indictment by possessing three (3) firearms as defined in U.S.S.G. § 2K2.1(b)(1).

2. Defendant RUSSELL SMITH committed the offenses charged in Counts One and Two of this indictment while under a criminal justice sentence, that is, parole, as defined by U.S.S.G. §4A1.1(d).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 18, United States Code, Section 922(g)(1) as set forth in this indictment, the defendant

**RUSSELL SMITH
a/k/a "Pooh,"**

shall forfeit to the United States of America all firearms and ammunition involved in the commission of these offenses, including:

- (1) a Sig Sauer Arms, Model P230 SL, .380 caliber, serial number S060726, semi-automatic handgun loaded with eight (8) rounds of ammunition;
- (2) a Hi-Point, Model JH, .45 caliber, serial number 326234, pistol; and
- (3) a Bersa Thunder, .380 caliber, serial number 396332 pistol.

Pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 924(d).

A TRUE BILL:

GRAND JURY FOREPERSON

**PATRICK L. MEEHAN
UNITED STATES ATTORNEY**